

REMARKS

Claims 1-52 are presently pending. Favorable reconsideration and allowance of this application, as amended and responded to herein, is respectfully requested.

Affirmation of Election

Applicants affirm the provisional election, with traverse, made during a telephone conversation with Examiner Rao on May 6, 2003. This election was made to the species of Example 17 on page 53 of the specification. As stated by the Examiner, “[t]he elected species identically was not found in the prior art search...” Applicants hereby reserve the right to file a divisional application directed to the non-elected subject matter.

The 35 U.S.C. § 112 Rejection

Claims 1-2, 9, 44 and 48-52 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner states that the recitation of “A compound...or pharmaceutically acceptable salts thereof” is not proper Markush language, and that all species formulae should recite an –NH- group following the HetAr group to correspond with the base claim.

Claims 1-20 and 31-39 have been amended to recite – or a pharmaceutically acceptable salt thereof --. In addition, structural formulae for the species of Claims 44-46 have been amended to recite an –NH— group following the HetAr group in order to correspond to the

base claim. In view of these amendments, Applicants deem this rejection obviated and respectfully request withdrawal thereof.

The 35 U.S.C. § 102 Rejection

Claims 1, 2, 9, 48, 49 and 50 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Schaper et al., WO 99/51589. The Examiner states that the instantly claimed compounds read on reference disclosed compounds 38-43 in Table 1 at pages 45-49. In addition, the Examiner states that the reference also teaches composition comprising the compounds and further teaches that the compounds are useful in the field of veterinary medicine.

Claims 1 and 48-52 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Bosmans et al., WO 97/43279. The Examiner asserts that the instantly claimed compounds read on the reference species of compound No. 11 in Table 1, page 17.

Claims 1 and 48-50 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Davis et al., WO 97/19065. Specifically, the Examiner states that the instantly claimed compounds read on the reference disclosed compound: N-(1-benzylpiperidin-4-yl)-2-chloro-4-pyrimidinamine at page 58, line 17.

Claims 1 and 48-50 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Zhu et al., Chem. Abstract 95:150311 (1981). The Examiner asserts that the instantly claimed compounds read on the reference compound of RN 79278-72-1.

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Claims 1 and 48-50 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Moragues et al., Chem. Abstract 94:24760 (1980). It is stated that the instantly claimed compounds read on reference disclosed compound RN 76167-42-5.

Claim 1 has been amended to exclude compounds where A is C₀ alkyl. Applicants respectfully submit that the instant claims, as amended herein, are not anticipated by any of the cited references. Applicants thus deem this rejection obviated and respectfully request withdrawal thereof.

Duplicate Claims

The Examiner states that "should claim 48 be found allowable, claims 49-50 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof." As amended herein, claims 49-50 are in independent form and relate to compositions useful for the treatment of different conditions. Applicants thus respectfully submit that claims 49-50 as amended are not duplicates of claim 48.

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In view of the foregoing amendments and remarks it is firmly believed that the subject invention is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

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